

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Nicolas Seckel on 20 August 2009.

2. The application has been amended as follows:

- ◆ Claim 1, line 12: The phrase "the vibratory element" has been replaced with the phrase - - the vibratory means - -.

3. The following is an examiner's statement of reasons for allowance:

- ◆ The prior art made of record fails to suggest either singly or in combination a novel vibratory warning device intended to be fixed to a structural element such a seat comprising a vibratory means and a fixation means, wherein the fixation means comprises a casing in which a motor is fixed, the casing comprising a resilient element formed in one piece with the casing, wherein the resilient element has an end integrally fixed with the casing and another free end defining a gap between the resilient element and the vibratory means, the free end of the resilient element is capable of being deformed to widen the gap and allow insertion of the structural element while being

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naturally biased to narrow the gap and ensure fixation of the structural element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH B. MCPARTLIN whose telephone number is (571)272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 3636

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